

W44

DATE: May 16, 2001

- Preserve, protect and promote the character and unique features of rural and urban neighborhoods, including their historical and architectural elements.
- Protect and enhance features which give Lincoln and Lancaster County its distinctive character, supporting a desirable quality of life.

- HISTORY:**
- 1979 Changed from G Local Business District to B-1 Local Business District
- 1994 Special Permit #1495 for a 80 foot tall radio communications tower on property west of the proposed site was denied by Planning Commission and City Council.
- 2000 August 24, application submitted but incomplete. Additional information requested from applicant.
- September 7, applicant submits some additional information.
- September 21, applicant sends letter to neighbors inviting them to an informational meeting.
- October 2, applicant holds meeting with neighbors
- October 3, applicant requests that application be placed on hold so that other sites could be evaluated.
- 2001 May 3, applicant submits letter detailing efforts to secure an alternate site, and requests that the request for a Special Permit be placed on the Planning Commission agenda. The proposal is modified from one with antennas mounted on the outside of a pole to one with antennas mounted on the inside of the pole.
- May 18, letter sent to applicant indicating additional information that is required on the site plan, and verifying confirmation from a phone conversation that the applicant was willing to install a facility camouflaged as a flag pole, and whether an agreement had been reached with a second carrier to locate within the flag pole.
- May 31, applicant submits a letter indicating that the proposal has been modified to show a 90 foot tall multi-carrier flag pole. The proposed flag pole is ten feet taller than the originally proposed monopole so that a second wireless communications provider can be accommodated.

ANALYSIS:

OVERVIEW:

This is a request for a 90 foot tall wireless communications facility, camouflaged as a flagpole.

The applicant has modified the original request from a monopole to a flag pole. The facility will be designed to accommodate the antennas of a second wireless communications provider.

The applicant details in letters dated September 7, 2000 and May 3, 2001 (attached) the analysis of and efforts to lease other potential sites within this area that would meet their coverage needs.

Other flag pole facilities that have been installed in Lincoln are at Fire Station #5 at Touzalin and Benton Streets and in front of the fabric store at East Park Plaza. Pictures of those sites are attached.

STANDARDS FOR EVALUATION:

Conformity with Comprehensive Plan.

The proposal is in conformance with the goals of the Comprehensive Plan.

Preference of site location in accordance with Chapter 27.68.080.

The site is classified as a limited preference site due to the proximity of residential uses.

Compatibility with abutting property and surrounding land uses.

The proposed facility, camouflaged as a flag pole, will be taller than the surrounding land uses. However, the flag pole design will help the facility blend in with the surrounding area.

Adverse impacts such as the visual, environmental or noise impacts.

There are no known adverse impacts.

Availability of suitable existing structures for antenna mounting.

There are no existing structures suitable for antenna mounting in the vicinity.

Scale of facility in relation to surrounding land uses.

The proposed facility will be considerably taller than the surrounding land uses.

Impact on views/vistas and impact on landmark structures/districts, historically significant structures/ districts, architecturally significant structures, landmark vistas or scenery and view corridors from visually obtrusive antennas and back-up equipment.

There are no known adverse impacts.

Color and finish.

The proposed color and finish has not been specified. A dark color would make the pole appear slimmer.

Ability to co-locate.

The facility will be designed to accommodate the antennas of a second provider.

Screening potential of existing vegetation, structures and topographic features, and screening potential of proposed facilities, ground level equipment, buildings and tower base.

The base of the flag pole will be partially screened by existing buildings. The base equipment will be surrounded by an opaque fence painted to match the adjacent building.

Impact on natural resources, open spaces, recreational trails, and other recreational resources.

There is no known negative impact.

GENERAL:

The parking stalls on the site plan appear to be sufficient to meet the requirements for a dental office. However, a more detailed site plan with dimensions of the parking stalls and driving aisles is needed.

The applicant has requested a waiver of the fall zone. The fall zone includes the dental office, but would not impact residential buildings, other commercial buildings or public right-of-way.

STAFF CONCLUSION: The proposal is for a camouflaged facility that will accommodate the antennas of two wireless providers. The flag pole design will reduce the obtrusiveness of the facility. The area is commercially zoned. The closest residential dwelling is approximately 210 feet to the southwest.

STAFF RECOMMENDATION: Conditional approval

CONDITIONS:

Site Specific:

1. This approval permits a 90' tall wireless communications facility designed as a flagpole for a period of 15 years, with a waiver of the fall zone required by 27.68.110(g).

General:

2. Before receiving building permits:
 - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
 - 2.1.1 Revise the site plan to show the dimensions of the parking stalls, driving aisles and dental office. Provide parking calculations to show that the proposed facility does not remove required parking stalls.
 - 2.1.2 Show that the proposed access easement will not interfere with required parking stalls.
 - 2.1.3 Provide materials indicating the color and finish of the facility.
 - 2.1.4 Provide structural information signed and sealed by a Professional Engineer licensed in the State of Nebraska showing that the flag pole meets the TIA-EIA 222-F standards for Lancaster County, Nebraska.
 - 2.2 The permittee shall post a surety, approved by the City Attorney, in the minimum amount necessary to guarantee the removal of the facilities. The surety may not be revoked or terminated during the term of the permit.
3. The following conditions are applicable to all requests:
 - 3.1 Before operating this personal wireless facility, all development and construction is to comply with the approved plans.
 - 3.2 The personal wireless service provider shall comply at all times with the current applicable FCC and FAA standards and regulations, and any of those of other agencies of the federal government with authority to regulate towers and antennas.

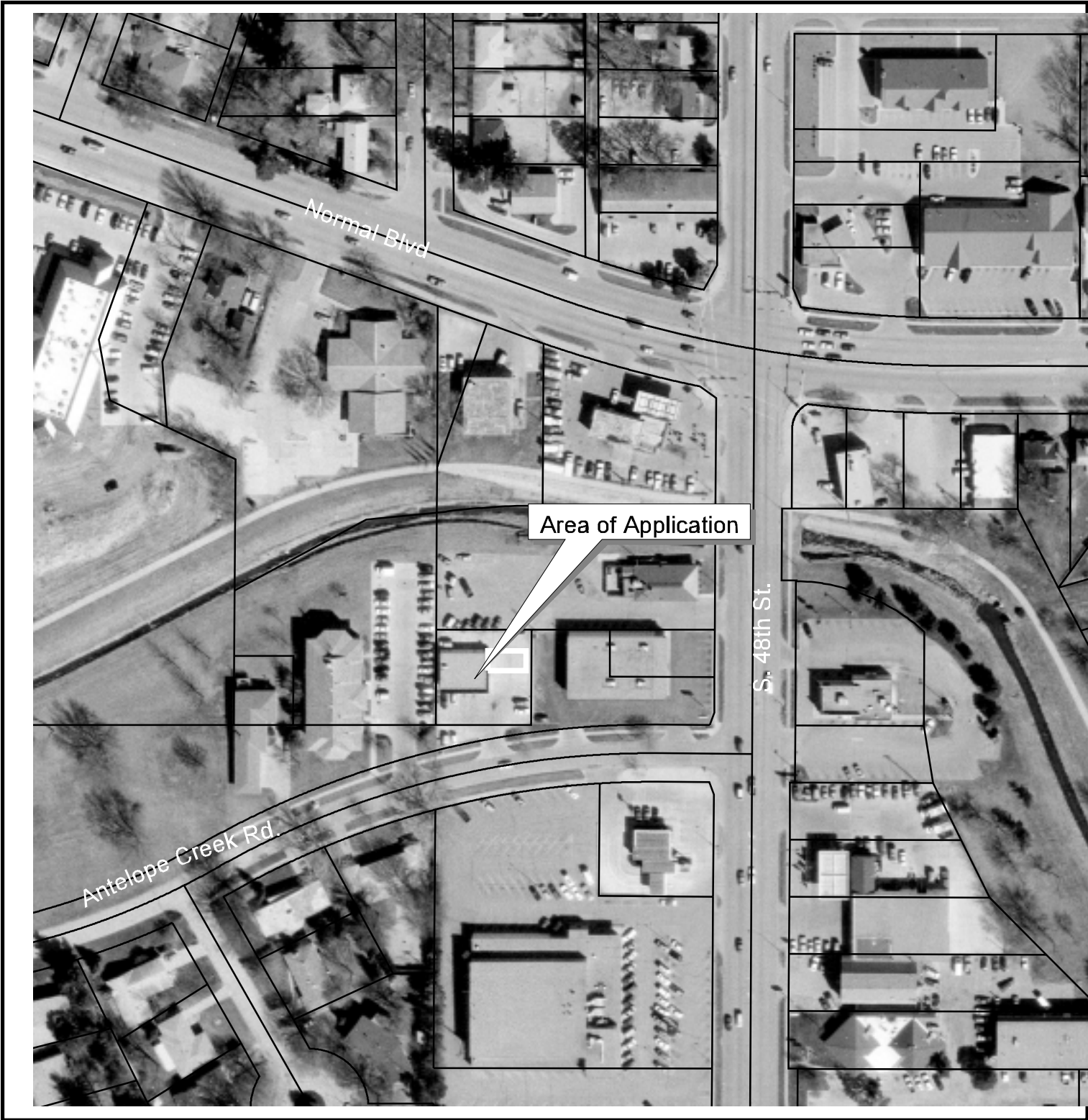
- 3.3 The tower shall be inspected and maintained in accordance with the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. At the time of this Special Permit, those standards were contained in the TIA/EIA-222-F. The facility operator shall conduct safety inspections in accordance with the EIA and FCC Standards and within 60 days of the inspection, file a report with the Department of Building and Safety.
- 3.4 All privately-owned improvements, including landscaping, are to be permanently maintained by the owner.
- 3.5 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 3.6 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.7 The permittee shall, within 10 days of written demand, reimburse the City for all direct and indirect costs and expenses as provided in Section 27.68.090, in connection with the issuance and review of this permit.
- 3.8 As a part of this approval, the permittee agrees that the permittee, successors and assigns shall, at its sole cost and expense, indemnify and hold harmless the City, its officers, officials, boards, commissions, agents, representatives, and employees against any and all claims, suits, losses, expenses, causes of actions, proceedings, and judgements for damage arising out of, resulting from, or alleged to arise out of or result from the construction, operation, repair, maintenance or removal of the provider's facilities. Indemnified expenses shall include, but not be limited to, all out-of-pocket expenses, such as costs of suit and defense and reasonable attorney fees, and shall also include the reasonable value of any services rendered by the City Attorney's office and any employees of the City and any consultants retained by the City.

- 3.9 The City Clerk is to file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee is to pay the recording fee.

Prepared by:

Jennifer L. Dam, AICP
Planner

F:\FILES\Planning\PC\PERMITS\SP\1800\sp1873.jld.wpd



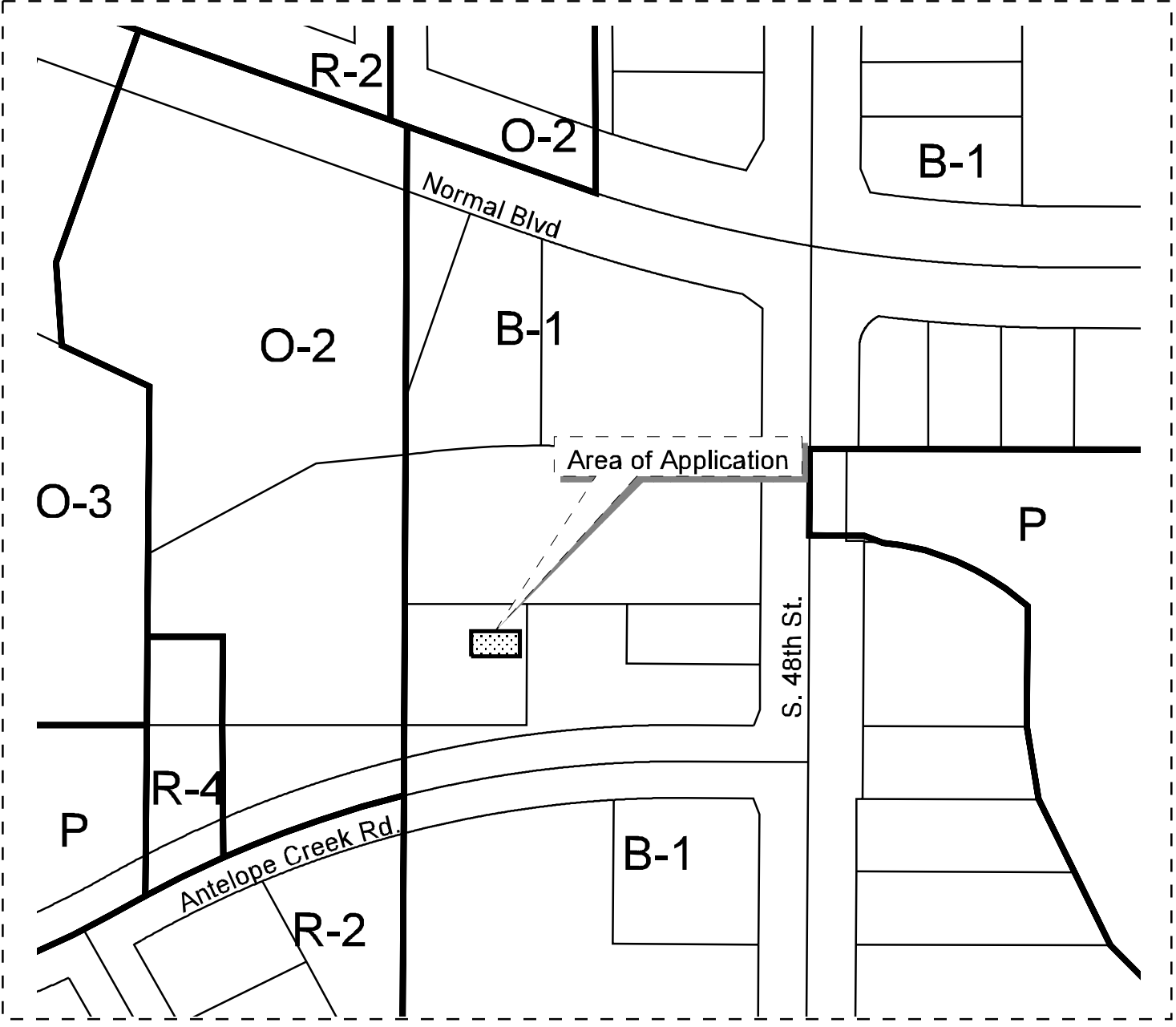
Special Permit #1873
S. 48th & Antelope Creek Rd.



Sheet _____ of _____

Date: _____

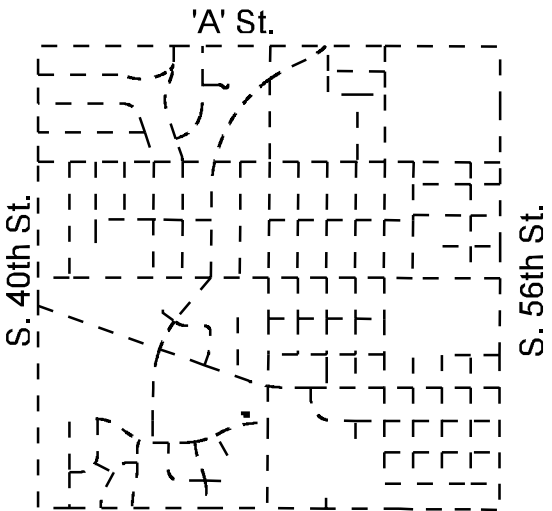
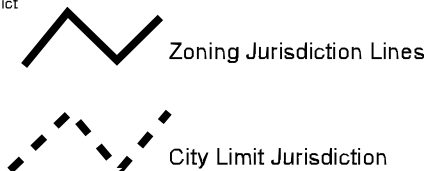
Photograph Date: 1997



Special Permit #1873
S. 48th & Antelope Creek Rd.

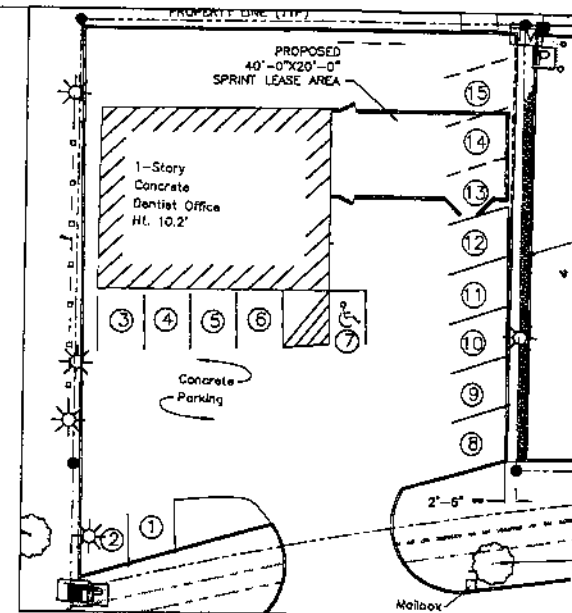
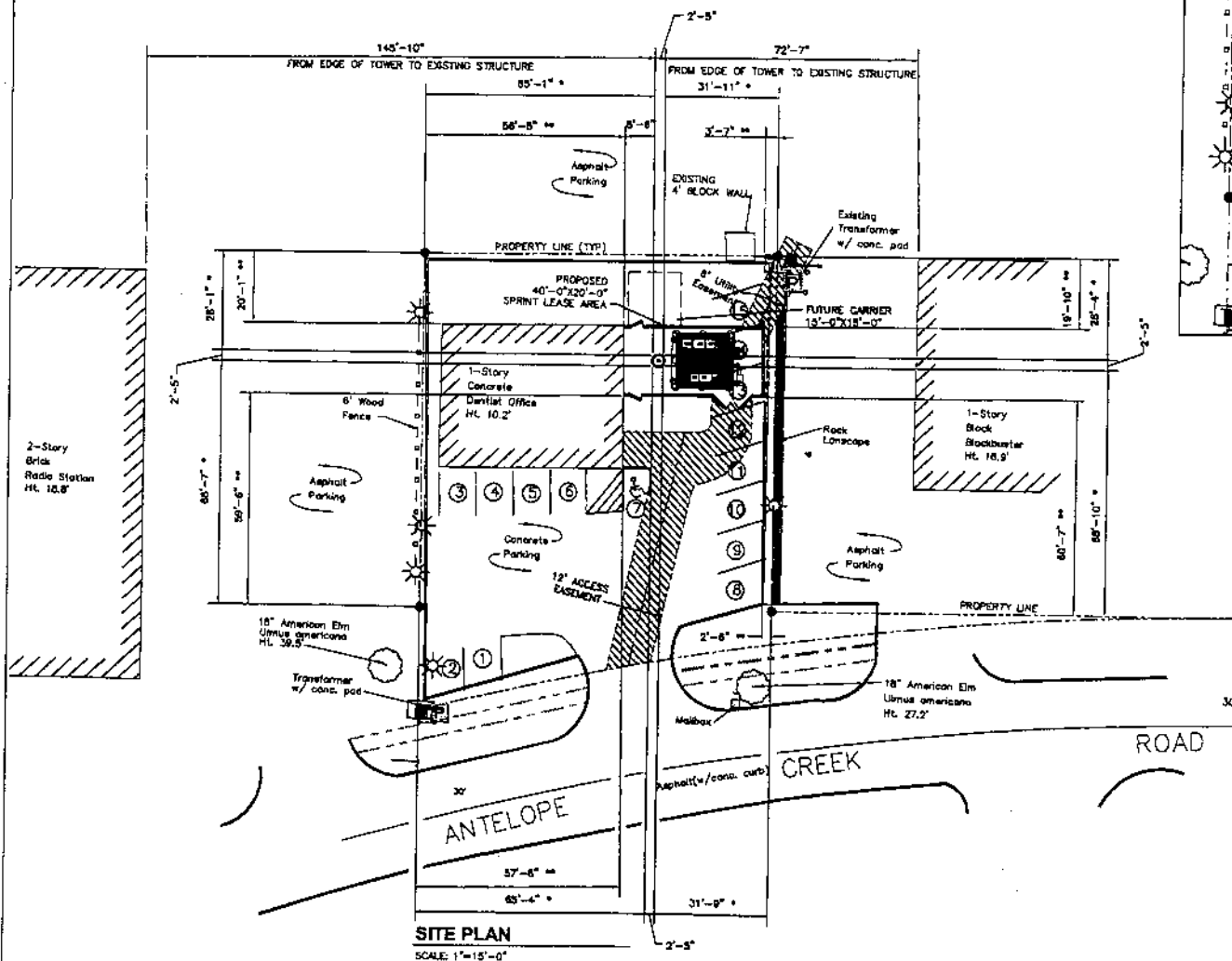
- Zoning:**
- R-1 to R-8 Residential District
 - AG Agricultural District
 - AGR Agricultural Residential District
 - R-C Residential Conservation District
 - O-1 Office District
 - O-2 Suburban Office District
 - O-3 Office Park District
 - R-T Residential Transition District
 - B-1 Local Business District
 - B-2 Planned Neighborhood Business District
 - B-3 Commercial District
 - B-4 Lincoln Center Business District
 - B-5 Planned Regional Business District
 - H-1 Interstate Commercial District
 - H-2 Highway Business District
 - H-3 Highway Commercial District
 - H-4 General Commercial District
 - I-1 Industrial District
 - I-2 Industrial Park District
 - I-3 Employment Center District
 - P Public Use District

One Square Mile
 Sec. 32 T10N R7E



NOTE:

1. ALL ELEVATIONS ARE IN NAVD 1988
2. GROUND ELEVATION= 1206.00
3. FLOOD PLAIN ELEV.= 1205.00 (ZONE C)
4. BASE OF EQUIPMENT ELEV.=1208.00



NOTE:

- * = MEASURED FROM EDGE OF TOWER TO PROPERTY LINE
- ** = MEASURED FROM EDGE OF LEASE AREA TO PROPERTY LINE



Sprint PCS
Sprint PCS
5801 WOODS ROAD
LINCOLN, NE 68504
OFFICE (417) 384-3000
FAX (417) 384-3000

APPROVALS

SPRINT PC _____

LANDLORD _____

SPRINT PROPERTY _____

SELF _____

ZONING _____

CONSTRUCTION _____

NETWORK OPERATIONS _____

ASSOCIATED ENGINEERING, PC
1314 NORTH 16TH STREET
SUITE 100
LINCOLN, NE 68518
PH: 402-554-9087

THE ENGINEER AND THE SILENT PARTNER OF ASSOCIATED ENGINEERING, PC, HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN WAS PREPARED BY THE ENGINEER OR BY ASSOCIATED ENGINEERING, PC, AT THE ENGINEER'S OFFICE.

PROJECT NO. 041302141-02

DRAWN BY: ROR/JAM

CHECKED BY: DM

DATE: 06/06/2004

DATE: 06/06/2004

DATE: 06/06/2004

DATE: 06/06/2004

DATE: 06/06/2004

DATE: 06/06/2004

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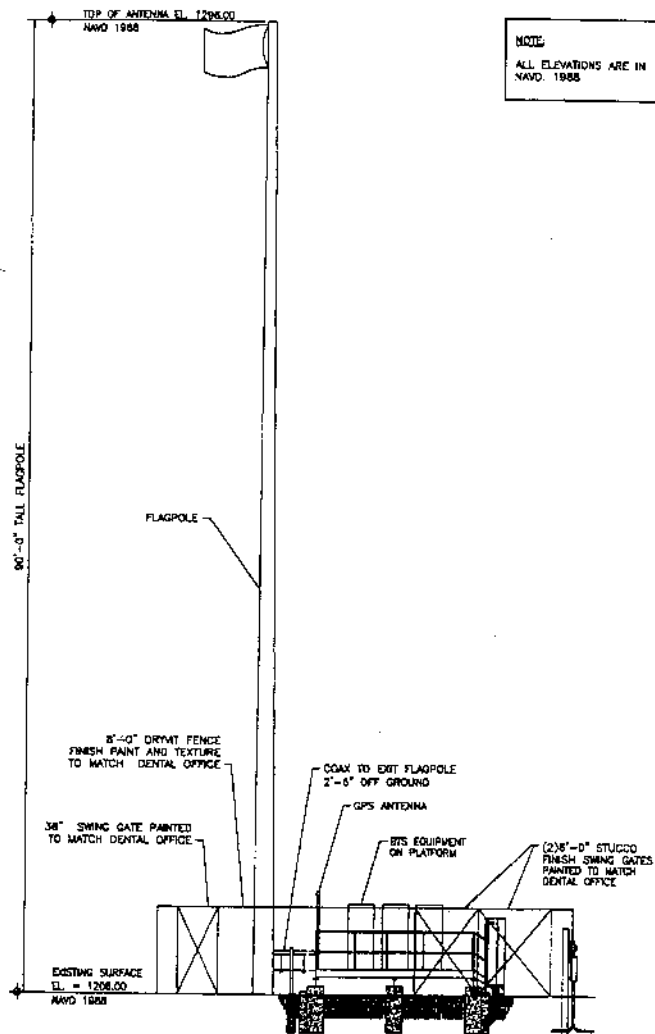
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DATE: 06/06/2004

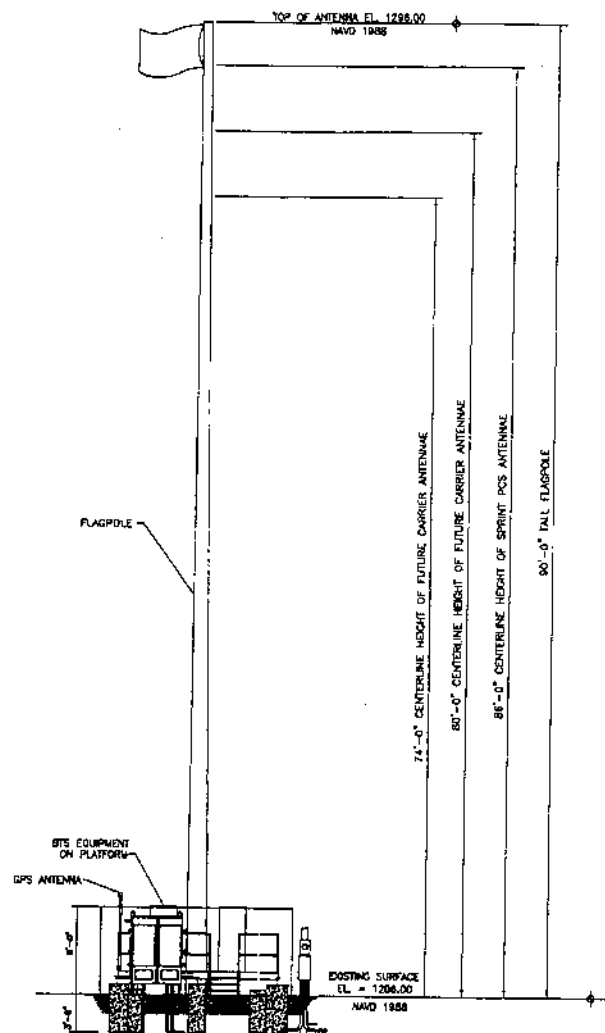
DATE: 06/06/2004

DATE: 06/06/2004



ELEVATION LOOKING NORTH

SCALE: 3/16"=1'-0"



ELEVATION LOOKING EAST

SCALE: 3/16"=1'-0"



Sprint PCS

SPRINT PCS
WEST HENRIE ROAD
SUITE 100
BIRMINGHAM, ALABAMA 35201
OFFICE: (205) 384-3000
FAX: (205) 384-3005

APPROVALS

SPRINT INC. _____
LANDLORD _____
SPRINT PROPERTY _____
P.L. _____
ZONING _____
CONSTRUCTION _____
NETWORK OPERATIONS _____



ASSOCIATED ENGINEERS, PC
1214 NORTH 18TH STREET
SUITE 100
OMAHA, NE 68118
PH: 402-584-9087

WE HEREBY STATE AND THE SOLE
AUTHORITY OF ASSOCIATED
ENGINEERS, PC, ENGINEER
REGISTERED IN THE STATE OF
NEBRASKA, IS THE DESIGNER OF
THE PROJECT DESCRIBED IN
THIS DOCUMENT. THE DESIGNER
IS NOT RESPONSIBLE FOR ANY
OTHER PROJECTS.

PROJECT NO.: 0813011-1-C

DRAWN BY: RDN/LAS

CHECKED BY: JM

DATE: 08/11/2008

DATE: 08/11/2008

DATE: 08/11/2008

DATE: 08/11/2008

DATE: 08/11/2008

DATE: 08/11/2008

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0813011-1-G

DENTAL OFFICE

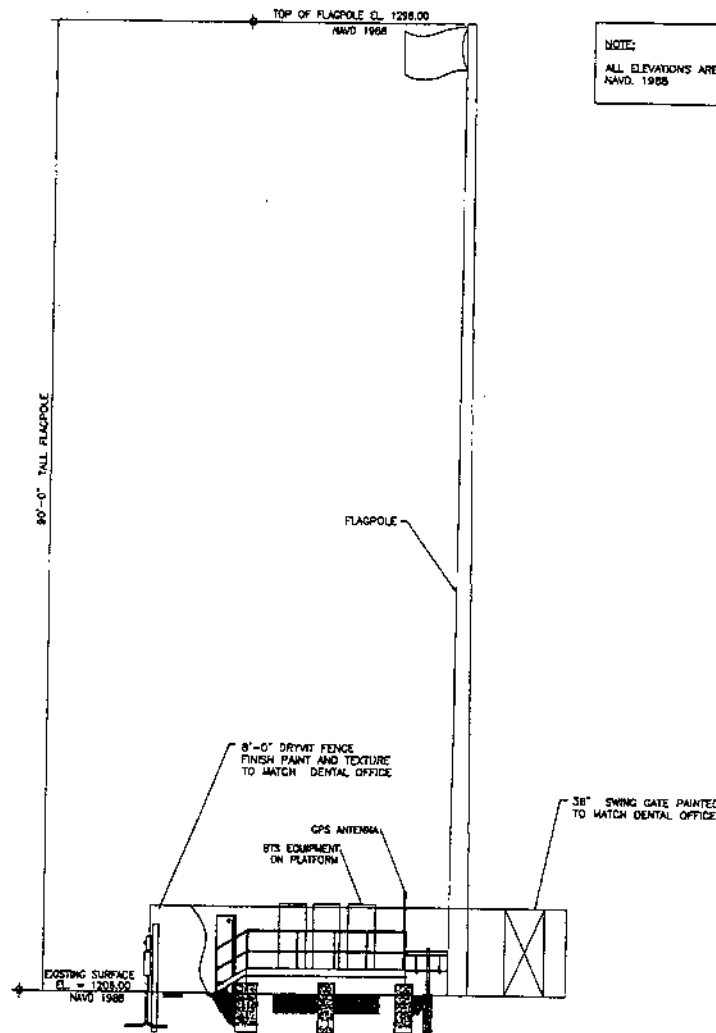
4700 ANTELOPE CREEK
LINCOLN, NEBRASKA
68506

DATE: 08/11/2008

ELEVATIONS

DATE: 08/11/2008

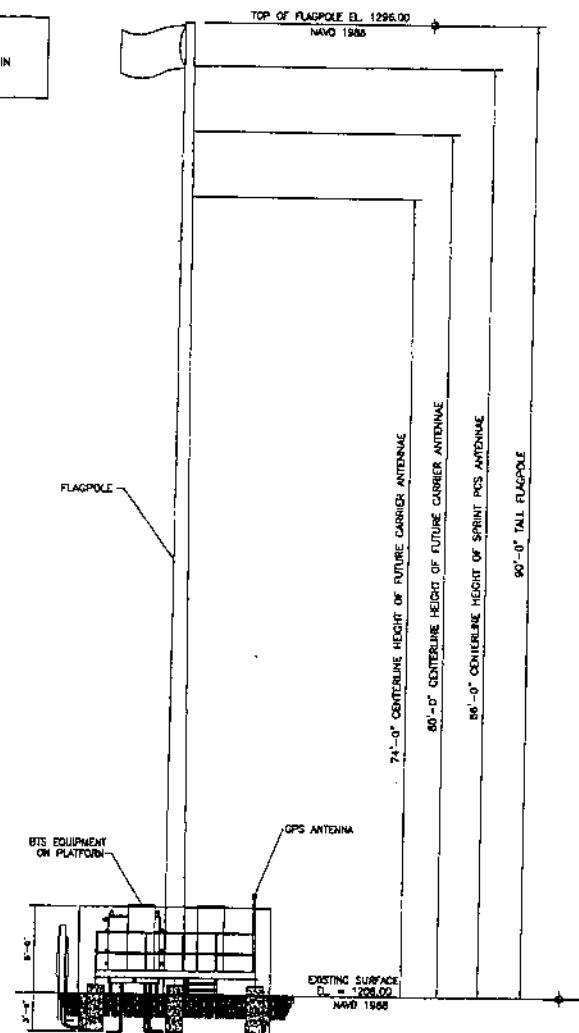
Z-3



ELEVATION LOOKING SOUTH

SCALE: 3/16"=1'-0"

NOTE:
ALL ELEVATIONS ARE IN
NAVD. 1988



ELEVATION LOOKING WEST

SCALE: 3/16"=1'-0"



Sprint PCS

SPRINT PCS
9807 NORMAN ROAD
SUITE 200
ROCKWORTH, ALABAMA 36051
OFFICE: (205) 384-3000
FAX: (205) 384-3005

APPROVALS

SPRINT PCS _____
LANDLORD _____
SPRINT PROPERTY _____
S.P. _____
CONTRACT _____
CONSTRUCTION _____
NETWORK OPERATIONS _____



ASSOCIATED ENGINEERING, PC
1214 NORTH 187TH STREET
SUITE 100
OMAHA, NE 68110
PH: 402-894-8067

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IS EXPRESSLY PROHIBITED.

PROJECT NO. OM1330141-G

DRAWN BY: KOL/AM

CHECKED BY: GJ

DATE: 06/04/2004

NO. 001

NO. 002

NO. 003

NO. 004

NO. 005

NO. 006

NO. 007

NO. 008

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NO. 027

NO. 028

NO. 029

NO. 030

OM1330141-G

DENTAL OFFICE

4700 ANTELOPE CREEK
LINCOLN, NEBRASKA
68508

ELEVATIONS

2-4



The Everest Group

May 31, 2001

Ms. Jennifer L. Dam, AICP
Lincoln/Lancaster Planning Department
555 South 10th Street, Room 213
Lincoln, NE 68508

RE: SPRINT PCS PROPOSAL AT ANTELOPE CREEK ROAD

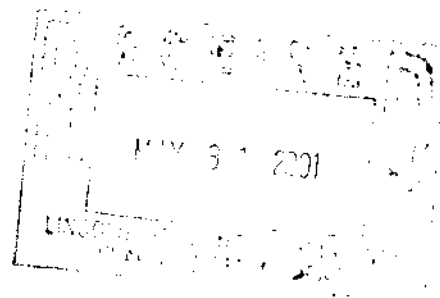
Dear Ms. Dam:

Attached are revised architectural drawings for the proposed Sprint PCS facility at 4700 Antelope Creek Road, pursuant to the previously submitted Application for Special Permit #1873. Of note, these show a layout of the available parking spaces, as well as a multi-carrier flagpole tower. At your request I have attached three full size copies. Please contact me if you need additional sets, or with other questions.

Sincerely,

John S. Hertzler

Site Acquisition and Zoning Specialist
The Everest Group, for Sprint PCS





The Everest Group

May 3, 2001

Ms. Jennifer L. Dam, AICP
Planner
Lincoln/Lancaster Planning Department
555 South 10th Street, Room 213
Lincoln, NE 68508

Dear Ms. Dam:

On behalf of Sprint PCS, please reactivate the previously submitted Application for Special Permit #1873, a wireless facility at 4700 Antelope Creek Road. After significant but unsuccessful efforts to relocate the facility, Sprint requests to continue with the review process for this site.

As a brief history, this application was originally submitted to the Lincoln/Lancaster Planning Department on August 24, 2000. After a preliminary review of the application materials, you requested additional supporting materials. I then submitted a letter on or about September 7, detailing how Sprint arrived at this location, and why all other parcels in the service area had been rejected. Shortly thereafter, and with the assistance of your office, we compiled a list of neighboring property owners and residents within 600 feet of the proposed facility, and more to the west along Antelope Creek Road. Nearly 50 letters were sent out inviting them to a neighborhood meeting to discuss the proposal. This meeting was held on October 2, and was attended by 15-20 residents. As you know, Sprint's plan was not met with enthusiasm. Believing that this reaction changed some of our assumptions regarding the best location for this type of facility, and hoping to carry out our commitment to being a good neighbor, I requested on October 3, 2000 that the pending application be placed on hold until further notice.

Since that time, Sprint has spent significant time, effort and resources toward the goal of finding a new location for the facility that would still meet the necessary coverage objectives, but that would also take into account the suggestions posed at the neighborhood meeting and be located a greater distance from residential uses. Based upon this concern, we changed the weight given to various land use considerations that had been developed through experience in Lincoln, and reprioritized the possible locations that we felt would be the best possible sites in the service area.

The top priority thus became attempting to relocate the facility to Van Dom Plaza, at the northeast corner of 48th and Van Dom. This commercial area is the location of several large stores. Given the new importance of a site that was as far from residential areas as possible, locations behind these large stores were immediately rejected. As stated in the supplemental information letter of September 7, placing a site in this area would be tantamount to placing it in a resident's back yard.

The only option, then was to pursue a location in the parking area in front of the stores that would provide enough space for Sprint's ground compound. The location arrived at was behind the Radio Shack building in the southwest corner of the parking lot. This is the only area that is out of the way enough to make the ground compound at least partially inconspicuous, and that would not disrupt traffic flow and parking as required both by ordinance and by existing tenant leases. A site in this location, however, would still take parking places. Despite our efforts to reduce the compound size, location, and design, including the generation of a set of architectural drawings and various design revisions, the Owners of the property eventually decided that they could not afford to give up even one parking space due to the concerns of their large anchor tenants. This process occurred over the course of several months in late 2000. In hindsight, it is worth noting that the tower here would have been approximately 120 feet tall due to elevation and distance from the center of the search area, and would have loomed over the intersection of 48th and Van Dom Streets.

With Van Dom Plaza at an impasse, Sprint again reviewed its options and garnered interest from the Owners of the property at 4535 Normal Boulevard. The plan here was to place a "stealth" flagpole site near the ambulance garage on the south side of the property. The feeling was that this would be a logical place for a flagpole, and the ground area could be fenced to blend with the garage. We pursued a lease for two to three months, only for the Owners to decide against the project at the last minute.

At this point all possible parcels were again reviewed for their viability. All were again rejected due to a combination of factors including land use principles, primarily distance from residential areas, coverage objectives, ground space requirements, and landowner interest. While two additional sites mentioned here were aggressively pursued for an extended period of time, many others were also reviewed and re-rejected due to those considerations already stated in the supplemental information letter, or for want of owner interest. This includes sites located at 4715 Normal, 4749 Normal, 2711 S. 48th, 2510 S. 48th, and 1600 S. 48th among others.

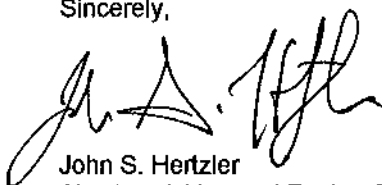
The failure to find a location for this facility that would be a greater distance from residential areas, does not change either the need for the facility, or its many strengths. This facility is intended to address the continually increasing demand for quality wireless service by the public, and is needed to supplement Sprint's existing wireless network. In order to be effective, antennas must be located at specific heights and geographical locations, taking into account factors such as topography and proximity to existing antenna facilities. Only then can each facility properly interact with surrounding facilities to provide continuous, reliable coverage. Improperly located antennas inevitably cause either holes in the network that must be addressed with additional facilities, or cause interference with existing facilities that does more harm to the network than good. Once installed, a properly located new facility such as this will become an integral part of Sprint's citywide network.

Sprint always places an emphasis on community-friendly land uses in determining the best possible location for a facility. The experience of this particular site demonstrates the many factors that inevitably go into arriving at a final location. Sprint feels more strongly than ever that this facility will be in the best possible location in the service area, and that there is not a single parcel in the area that will work better when taking into account all factors. The site is located in a commercial area, and is surrounded by commercial uses. Given the narrow shape of the commercial area on 48th between Van Dom and Normal, the site is well entrenched among and behind commercial uses. It will be buffered from residential uses by the office building on the parcel, by tall trees to the southwest, and simply by the fact that it is located in a commercial area. That it may be closer to residences than is generally preferred does not change the fact that it is still located where this type of development is accepted and encouraged.

In addition to the design strengths proposed in the original application, such as surrounding the lease compound in a material that matches the existing building, Sprint proposes to alter the design of the support structure to one that is even less aesthetically impactful. Rather than using a pole with a "hugging" array of antennas as previously requested, Sprint proposes a design of pole with antennas located inside of the pole. This type of structure is simply the least visually impactful structure we can propose, and will take up the least possible visual space. A photo example from a manufacturer's brochure is attached. The structure will have a total height of 85 feet.

In the end, Sprint is of the strong opinion that we have proposed the best possible site that will meet the coverage objective for this area. As requested, please see that the application for special permit for this site, including all supplemental materials, is once again placed on active review, and that it is scheduled for hearing on the next Planning Commission Agenda. In the meantime, please do not hesitate to contact me with additional questions or concerns that might allow for a complete review.

Sincerely,



John S. Hertzler
Site Acquisition and Zoning Specialist
The Everest Group, for Sprint PCS



The Everest Group

October 3, 2000

Ms. Jennifer L. Dam, AICP
Lincoln/Lancaster Planning Department
555 South 10th Street, Room 213
Lincoln, NE 68508

RE: ANTELOPE CREEK DENTAL OFFICE

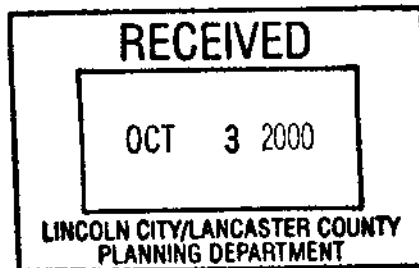
Dear Ms. Dam:

In reference to an application for a Special Permit for a personal wireless facility at 4700 Antelope Creek Road, Sprint PCS requests that this proposal NOT be placed on the upcoming Planning Commission agenda.

Thank you for your attention to this matter. Please contact me at 402/212-6006 with any questions.

Sincerely,

John S. Hertzler
Site Acquisition and Zoning Specialist





The Everest Group

RECEIVED

September 21, 2000

LINCOLN CITY/ANCASTER COUNTY
PLANNING DEPARTMENT

Dear Property Owner:

On behalf of Sprint PCS, I am writing to notify you of a proposed wireless communication facility in your area of Lincoln, and to invite you, as an owner of nearby property, to attend a neighborhood meeting regarding the proposal.

If you received our previous notification of Sprint's proposal, you are already familiar with the site. Sprint is seeking to improve and expand its wireless communications network in Lincoln, and requires new antenna facilities throughout the City to provide adequate coverage for wireless subscribers, and to handle growing caller traffic. These facilities must be carefully placed by taking into account geographical features, traffic and population densities, and the location of other sites.

The area of 48th and Normal is a high priority for a new Sprint site. The particular location of this proposed facility will be on the northeast corner of the Antelope Creek Dental Office, 4700 Antelope Creek Road. The facility itself will consist of an 85 foot monopole structure. It will also include a radio equipment compound at the base of the tower that will be entirely surrounded by a wall that matches the color and texture of the Dental Office building.

As with all sites, we feel we have proposed the best location in the area for the site. It will be located in a commercial area with commercial uses on all sides, and will be buffered from outlying parcels by surrounding buildings, and tall trees. Due to this, the site will not be readily visible from surrounding residential areas. Unlike the radio tower proposed for this area a few years ago, Sprint's tower will be slender, will not have bulky attachments, and will be located deeper into this commercial area. To diminish visual impact, the antennas will be mounted directly to the tower rather than in the usual triangle array like most wireless towers. It will also be constructed to accommodate at least one additional wireless carrier, so as to reduce the need for additional towers nearby in the future. We feel that the commercial character of the area is suited to this type of development, and that the proposal will blend in nicely with the existing uses of the area in general. Despite our best efforts, other possible locations within this commercial area have proven to be unusable due to a combination of engineering and land use issues.

The facility will not cause interference with other types of radio communications nearby, including radios, telephones, televisions, cellular phones, and the like. Further, it will operate using transmissions that have been determined by the federal government to be safe. The pole will have no lights, use no guy wires, and make no noise. It will be surrounded by a security wall that will be locked at all times.

While we believe that this is the best location for our proposal, we are deeply concerned with being responsible and considerate neighbors. Sprint takes pride in working with communities to locate and design sites in the best and most acceptable ways. Thus, we would like to invite all neighbors to a meeting to further discuss this proposal, its location, and its design. We will meet on Monday, October 2 at 6:00 p.m. The Parkway Lanes Bowling Alley, located just across Antelope Creek Road from the site to the South, has been gracious enough to open its upstairs room for this meeting. The address is 2555 S. 48th Street. Please arrive promptly so as not to interfere with league bowling.

If you are unable to attend the meeting and have questions or concerns regarding this proposal, please contact me at your convenience. I can be reached anytime at 402/212-6006.

Sincerely,

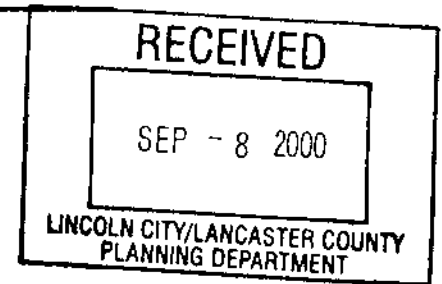
John S. Hertzler
Site Acquisition and Zoning Specialist
The Everest Group, for Sprint PCS



The Everest Group

September 7, 2000

Ms. Jennifer L. Dam, AICP
Lincoln/Lancaster Planning Department
555 South 10th Street, Room 213
Lincoln, NE 68508



Dear Ms. Dam:

At your request, this letter contains supplemental information to an Application for Special Permit submitted on August 24 by SprintPCS for a wireless communication facility at 4700 Antelope Creek Road. Please include this information with the application.

It has come to our attention that since the date of application for this facility, there have been some concerns raised as to its specific location. I would like to take this opportunity to explain in greater detail how we arrived at our proposed location, and why we believe that any other parcel in the area would be less suited to this type of development.

Sprint has a mature wireless system already on air in Lincoln. Thus, all new facilities must be located in specific areas. These areas are determined by radio frequency engineers using sophisticated computer software. Generally they take into account the location of existing Sprint sites, topography and geography, proximity of populated areas and busy intersections, and the amount of caller traffic in the vicinity. The goal is to place sites where they can best improve the overall City-wide network by relieving existing sites of excessive traffic, and providing better coverage to areas with marginal existing service. Sprint invests significant resources into each site, and is extremely careful to assure that each site is absolutely necessary.

Sprint has determined such a need in the area of 48th and Normal Street in Lincoln. This is demonstrated by the coverage plots submitted in the application as Exhibit "I". While the areas in which a site must be located in order to achieve coverage objectives are usually less than ½ mile in diameter, in this case we extended our search from Sumner Street to Van Dom Street, and from 40th Street to 56th Streets. A site outside this area would cause interference with existing sites, and would be too far away from the targeted area to be worth the expense. As a practical matter, even sites near the edge of this range would be unlikely to work except in special circumstances.

In this general area, numerous parcels are zoned and used for residential purposes. While occasionally a residentially zoned property may be appropriate for a wireless facility, no such parcels exist here. Thus, all residential properties within this range must be eliminated as candidates.

Near the edges of said range, are four possible facility sites. Bryan Hospital, located at 1600 South 48th Street, was originally considered for a rooftop installation, and was pursued as the primary candidate. Two problems arose here. First, the height and location of the building meant that it would interfere with existing sites. Second, and more importantly, Administrators for the hospital informed us that they were unwilling to open their rooftop to outside, non-health related, antenna equipment. While we asked them to reconsider, our efforts were fruitless and we were eventually forced to being considering other alternatives.

The Lincoln Community Playhouse, 2500 S. 56th, was also considered for a rooftop installation, and was visited by Sprint engineers. Unfortunately, the roof here is simply not high enough for Sprint's transmissions to clear the nearby trees and reach the commercial area south of 48th and Normal. As

this is a high priority area for better coverage, Sprint's radio frequency engineers insisted that the site be located more centrally.

Finally, the commercial areas in the vicinity of 40th and Normal, and 56th and South provided possible candidates. However, both of these areas are smaller and less heavily commercial than the 48th and Normal area, are surrounded by residential areas, and are excessively distant from the target area, which would require a taller tower. There are no buildings here tall enough for a rooftop installation, and any facility here would be less appropriate than that proposed.

Rejecting these and the residentially zoned properties in the service range leaves the area of commercially and publicly zoned properties referred to in the original application. This area is highlighted on the attached aerial photograph, and was the focus of the search for a facility location. The parcels considered are discussed below, referring to their use and address. Unless, otherwise indicated, the proposed development referred to would be a new tower, as there are no co-location opportunities or sizeable buildings in the area.

- 4535 and 4645 Normal Blvd., Long Professional Center and Eden Place (O-3)—Sprint considered locating behind either of the two two-story office buildings on these parcels. Due to plans for future expansion, the land owner was unwilling to consider any location except behind the ambulance garage on the extreme southwest corner of the parcels. Even here, the owner insisted on locating the compound at least 30 feet behind the garage in case of future additions. This would be very near to the existing walking path along Antelope Creek. Due to lower elevation and the distance from the center of the targeted area, a height of 90 to 100 feet would have been required by RF engineers. Further, the view of the site would be unobstructed from houses to the south of Eden Park. Sprint felt that despite proposing a flagpole installation here, this combination of factors—the fact that the compound would be set off from other buildings and near to the walking path, and the unobstructed view of this taller pole—made this a less than desirable location.
- 4701 and 4625 Normal Blvd., Holy Family Medical Specialties (O-2)—This property does not have sufficient room for a Sprint facility, as nearly all space is used for an office and for parking. The compound would be on the edge of the commercial area, and there is also an unobstructed view from housing to the south.
- 4700 Normal Blvd., State Farm Insurance (O-2)—This parcel abuts low-density residential, is an inappropriate location, and has no ground space.
- 2345 S. 48th St., Krein Real Estate (B-1)—This also abuts low-density residential, is an inappropriate location, and has no available ground space.
- 2300 and 2320 S. 48th St., and 4848 Normal Blvd., Alpine Village (B-1)—This area of boutiques and offices abuts low-density residential. A site here would be inappropriate and not buffered from residential uses.
- 4800 Normal Blvd. and 2338 S. 48th St., Union Bank (B-1)—This site offers insufficient room for ground space.
- 4715 Normal, Rent 'N Drive (B-1)—There is insufficient room outside of this building for an equipment compound. What space exists is in use. Further, the site would abut Antelope Creek with an unobstructed view from the residences to the south. The minimal buffering makes the site less appropriate than that proposed.
- 4749 Normal Blvd., Phillips 66 Station (B-1)—There is simply insufficient room for an equipment compound at this site, as all areas are in use. The billboard on the premises is not tall enough to meet coverage objectives, thereby ruling out co-location.
- 4400 Antelope Creek Rd, Eden Park (R-2)—This park, which houses Eden Park Pool, is rather narrow. A possible light pole replacement site was considered at the pool here. However, the site would simply be too near to the neighborhood without decent screening for the site to go forward.

- 4630 Antelope Creek Rd., KTGL Radio Station (O-2)—This site was excluded for insufficient ground space and due to the nearer proximity to housing.
- 2435 S. 48th St., Buster's BBQ (B-1)—The parking lot behind Buster's might offer some space for a site. However, Sprint felt that a site here would be unprotected from outlying areas by the existing buildings in the vicinity. This location would not be preferable to that proposed.
- 2445 S. 48th St., Blockbuster Video (B-1)—This site does not have sufficient room for an equipment compound, and is otherwise not preferable to the proposed site.
- 2511 S. 48th St., Lincoln Federal Savings Bank (B-1)—This is a very small parcel with very little ground space.
- 2555 S. 48th St., Parkway Lanes (B-1)—While locating behind the large building on this property was initially attractive, the residences to the east are very near to where the site would be located. The distance of as little as 20 feet is simply too close.
- 2601 S. 48th St., Wendy's (B-1)—There is no appropriate location here that is not abutting a residential zone.
- 2711 S. 48th St., Osco, etc. (B-1)—Like Parkway Lanes, the back side of the sizeable building here would make an appropriate location. However, it is very near to homes. The elevation here also made a rooftop installation a possibility. At its tallest, though, the building is only 25 to 30 feet tall. Another 30 feet at least would have to be added on to the roof to meet coverage objectives, and to clear the trees to the west. Whatever the design, this would be out of scale with the building, and inappropriate for the area.
- 2837 S. 48th St., Burger King (B-1)—This is an inappropriate location due to proximity to housing to the south and west.
- 2400 S. 48th St., Jiffy Lube (B-1)—There is insufficient ground space in front of the existing structure. Locating behind the station would be more appropriate, but would be unbuffered from nearby housing.
- 4831 Normal Blvd., Fabric Care Center (B-1)—Abuts low-density residential.
- 2460 S. 48th St., Arby's (B-1)—The only appropriate location here would be behind Arby's parking lot. This would be on the very edge of this commercial area, and is very near to residences across Antelope Creek, with little obstruction of their view.
- 2510 S. 48th St., Total Service Station (B-1)—Like Wendy's, locating behind this service station would be near to the residential area behind the park. This is on the edge of the commercial area, and there would be a similarly unobstructed view.
- 2540 S. 48th St., Antelope Creek Veterinary Clinic (B-1)—A site in the parking area behind the Vet clinic was explored carefully, and was at one point the primary candidate. Unfortunately, there is very little space here that is not utilized for parking. More importantly, the land owner here was unwilling to consider leasing space due to plans for future expansion.
- Roose Park (P)—Most of this park, which runs behind the commercial area and consists primarily of a walking path, is simply too near residential housing to be considered. One area, just east of the Antelope Creek Vet parking area, might offer enough room for an equipment compound. However, this is still near to the homes across the park, and while there are a few trees to offer some light screening, the facility would be outside of the commercial area that comprises the most appropriate location. While this site has some merit, Sprint feels that locating here would not be as prudent as locating inside the commercial area. Though there would be some distance between the homes and the site, locating in the park would be akin to locating in these homes' back yards. The site would fail to utilize the strength of this area—the appropriateness of the heavily

commercial uses. Further, Sprint feels that locating here would cause at least as significant an impact upon the neighbors as other sites, including that proposed.

- 2548 S. 48th St., Howard's Pantry (B-1)—This parcel is near to 48th Street and does not offer sufficient ground space or adequate buffering for a site.
- 2546 S. 48th St., HIP Property (B-1)—This parcel houses a small two-story office structure. The park side of the building was considered as a location. The management company here was uninterested in a site. Further, the site is unattractive from a land use standpoint for the same reasons as the Roose Park area.
- 2600 S. 48th St., 2548 S. 48th St., 2634 S. 48th St, 4848 Van Dom St. , 2748 S. 48th St., Van Dom Plaza (B-2)—These several parcels generally make up the Van Dom Plaza shopping center. This is the heart of this commercial area, and was one of the primary focuses of Sprint's efforts.
 - The main structure is a large "strip mall" building holding Walgreens, Sun Mart, Hobby Lobby and Westlake. A site was first considered behind this structure. However, due to loading and unloading traffic, and plans for expansion, ground space was unavailable. Further, the site would have been clearly visible to the houses across the park to the north.
 - Sprint next considered a site somewhere in the large parking lot. While this area is the most central in the commercial area, the furthest distance from residential areas, and has numerous light poles to add blending to the site, there is simply no appropriate location for a compound. Sprint does not feel that it would be acceptable to place a compound in the middle of a parking lot like this. Despite the positive aspects, it would be too noticeable and too large for the area.
 - Finally, Sprint looked for a site nearer to 48th or Van Dom Streets, in closer proximity to McDonalds, Radio Shack, and KFC. Again, there is simply no area of sufficient size where a site could be placed in an out-of-the-way location. Any site would be located in an existing parking area without good protection provided by existing buildings. Further, due to the distance from the center of the targeted service area and the lower elevation, the site would require more height in order to meet coverage objectives. The location and height would cause the tower to "loom" noticeably over the heavily trafficked intersection of 48th and Van Dom.
- United States Post Office—The post office was considered a good possibility initially for a flagpole installation. Several problems quickly arose. Primarily, there is insufficient ground space for an equipment compound here, especially in a location that would be natural for a flagpole. Sprint would also require more height here due to elevation and distance from the targeted area. Further, the site is again in an area where the view from homes across the park would be unobstructed.
- 2800 S. 48th St., Security First Bank (B-1)—There is insufficient ground space, and this is an inappropriate location due to proximity to residential areas to the south and east.
- 5001 Van Dom St., Village Inn (R-4)—Insufficient ground space, and inappropriate location due to proximity to residential areas to the south and east.

This addresses most parcels in the service area that could legitimately be considered as candidates for a Sprint facility, and shows in detail why the proposed Antelope Creek Dental Office was chosen as the proposed site. There is simply no other possible location in the area that meets the constructibility, coverage, and land use criteria for a site. As always, Sprint has carefully considered a variety of options for the location of a wireless facility. While other sites in this vicinity may have some positive aspects, they cannot be considered to cause less impact on the area, or be more appropriate from a land use perspective.

In the past, Sprint has demonstrated a willingness to consider suggested locations by the Planning Department, and to change locations when a better location can be found. Here, such sites as the Radio Station, the Long Professional Center , the Post Office, and Roose Park were suggested and


September 7, 2000

explored in detail. Again, each must be rejected due to a combination of engineering and land use issues.

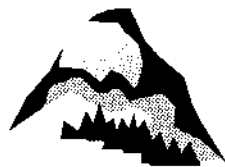
Instead, Sprint feels that it has proposed the best possible candidate in the area. As demonstrated above, it has been difficult to find a location that was not either in front of a commercial building, where it would be excessively noticeable in a high traffic area, or on the edge of the commercial area and near to residences. The proposed site was chosen because it is located inside the commercial area in on a spot where it is buffered from outlying areas and screened from residential zones. This is the best location in the service area, and is appropriate for this type of development. Sprint requests to move forward at this location as planned.

Sprint is proud of its efforts to work flexibly with the community in the design and location of its facilities, and is happy to continue to discuss options with the City and neighborhood for this proposal. Please do not hesitate to contact me regarding any additional information that may be helpful for a complete review. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "John S. Hertzler". The signature is fluid and cursive, with the first name "John" being the most prominent part.

John S. Hertzler
Site Acquisition and Zoning Specialist



The Everest Group

August 24, 2000

Ms. Jennifer L. Dam, AICP
Planner II
Lincoln/Lancaster Planning Department
555 South 10th Street, Room 213
Lincoln, NE 68508

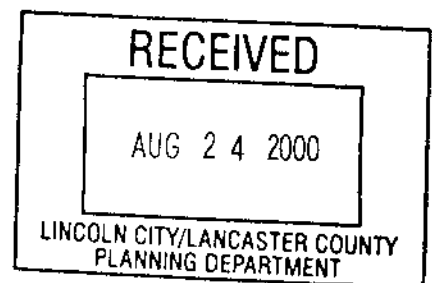
Dear Ms. Dam:

On behalf of Sprint PCS, please accept the enclosed materials as an application for a Special Permit. Sprint proposes a Personal Wireless Communication Facility at the Antelope Creek Dental Office, 4700 Antelope Creek Road, and requests review of this application by the Lincoln/Lancaster Planning Department. The facility will consist of an 80 foot monopole antenna support structure, as well as an associated radio equipment compound. The attached materials will allow for a thorough review of the site, and constitute a complete application that is in compliance with the applicable Lincoln Zoning Ordinances.

Please do not hesitate to contact me regarding any additional information that may be helpful for a complete review. Thank you.

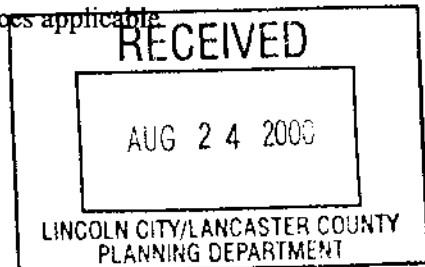
Sincerely,

John S. Hertzler
Site Acquisition and Zoning Specialist



Application Requirements

The following is a response by SprintPCS to the issues and requirements set forth in Title 27 of the Lincoln Municipal Code as amended by section 27.68.090 in reference to a proposed personal wireless service facility consisting of an 80 foot monopole antenna support structure, and accompanying radio equipment at 4700 Antelope Creek Road in Lincoln, Nebraska. This information addresses the requirements contained in this section, and references applicable portions of the Design Standards and General Requirements sections.



27.68.090 *Application Requirements.*

(a) *Pre-Application Conference and Fees*

A pre-application conference for the purpose of discussing application requirements, site specifics, plans for current and future facilities, and establishing the application fee was held on June 22, 2000 with Jennifer Dam of the Lincoln/Lancaster Planning Department, and Sprint PCS as represented by the Applicant. A fee of \$1000 is included with this application.

(b)(1) *Plot Plan*

A plot plan of the lot and proposed uses drawn to an accurate scale and showing all pertinent information so as to allow for a complete review of the proposal and indicating in detail compliance with design standards is attached to this application. Of note on the plans are the following:

- A metes and bounds description of special permit area, including tower, base equipment, security barrier, and landscaping, referring to the legal description of the property including lot, block, subdivision, section, township, range. (LS-1)
- A Site Plan showing the following:
 - Tower, antenna, antenna support structure, building fencing, buffering, access, etc. (LS-1-Z-4)
 - Drawn to an engineer's scale so as to be legible
 - Lot lines (LS-1, Z-1)
 - Lease area lines (Z-1, Z-2)
 - Dimensions of lease area (Z-1, Z-2)
 - Distances from lease area to property lines (Z-1)
 - Specific location and dimensions of all proposed structures and equipment (Z-2)
 - Distance from all proposed structures and equipment within the lease area to the boundary of the lease area (Z-2)
 - Distance from all proposed structures and equipment within the lease area to the property lines (Z-2)
 - Location of all existing structures on the property (Z-1)
 - Distance from the lease area to the existing structures (Z-1)
 - Proposed security barrier, including type, extent and point of controlled entry (Z-2, Z-3)
 - Type and mounting of antennae (Z-3, Z-4)
 - Notation that antenna and support structure will be designed to withstand wind force of 100mph (Z-2)

- Indication that antenna and support structure are safe, and will meet EIA standards (Z-2)
- Location of all roads (Z-1)
- Location and dimensions of access to proposed facility (Z-1)
- Location of existing trees and shrubs (Z-1)
- Location of other significant existing site features (LS-1-Z-4)
- Proposed changes to the existing property including grading, vegetation removal, roads or driveways (Z-2)
- Zoning of site (LS-1)
- Land uses of adjacent properties (LS-1)
- Ground space for one future carrier's equipment (Z-1, Z-2)
- Space on support structure for future carrier's antennas (Z-3, Z-4)
- Elevations:
 - Dimensioned and to scale in NAVD 88
 - From north, south, east, and west (Z-3, Z-4)
 - Showing antennas, mounts, equipment enclosures, security barrier, platforms, cable runs, other construction or development with elevation dimensions to the highest point.
 - Flood plain information. (LS-1, Z-1)

Also attached to the application are photo simulations from a design professional depicting the site as it will appear after construction from several vantage points, including the nearest residential areas and heavily trafficked intersections, and pertinent portions of equipment brochures showing equipment that to the best of Sprint's knowledge will be used at the site.

(b)(2) Statement Identifying Location Preference

The proposed facility could be considered a Limited Preference Site as defined by Section 27.68.080: Location Preferences. While the site is in a commercial area, there are residential uses in the vicinity. Since the proposed location is not a preferred location site, the following issues are addressed:

- (i) Whether any preferred location sites are located within the service area of the proposed personal wireless service facility;*

There are no preferred location sites within the service area of this proposed facility.

- (ii) What good faith efforts and measures were taken to investigate each of these preferred location sites and why such efforts were unsuccessful;*

Sprint has looked into several sights in the vicinity for a suitable location. There are no sizeable buildings in the area or existing towers on which antennas could be located. The nearest building of any significant height is Bryan Hospital to the North. This site is very near to an existing Sprint Facility, and would cause interference with that site. Nevertheless, Sprint pursued this site for a number of months as the primary candidate. Despite these efforts, the hospital repeatedly indicated an unwillingness to lease rooftop space to outside parties, and Sprint was eventually forced to consider other candidates. Sprint also considered the Lincoln Community Playhouse to the East as a candidate. However, the roof of this structure is simply not tall enough, nor near enough, to the targeted area to provide effective coverage, and was rejected as a candidate by Radio Frequency engineers.

Sprint has made a concerted effort in arriving at a final location to place the site as deeply into this commercial area as possible. While this area is rather heavily commercial, and is suited to this type of facility, it is also rather narrow with residential uses beyond. Any other locations in this vicinity would have at least as significant of an impact as the proposed location.

- (iii) *Why the use of a preferred location site is not technologically, legally, or economically feasible;*

Again, any preferred location site would be outside the geographical area required for proper radio frequency coverage.

- (iv) *How and why the proposed site is required to meet service demands for the proposed facility and citywide network;*

The proposed site is necessary to meet the rapidly growing demand for wireless service in Lincoln. Other Sprint sites in this area of the city are nearing their capacity, and simply cannot handle all of the caller traffic as demand grows. This site will help relieve other existing sites of excessive traffic, and to cover an otherwise marginally or poorly covered geographic area. The attached coverage plots indicate the improvement in coverage this site will provide. These are accompanied by a letter from a Sprint Radio Frequency Engineer better explaining Sprint's need for a facility in this area.

- (v) *The distance between the proposed facility and the nearest residential unit and residentially zoned properties.*

The proposed facility is approximately 180 feet from the nearest residential use, a duplex. This parcel is zoned R-2.

(b)(3) Description of the Security Barrier

The proposed tower base and accessory equipment will be completely enclosed by an eight foot high stucco fence that will match the exterior of the existing Dental Office building. There will be no illumination. Access will be through a locked gate. This is in conformance with Section 27.68.110 (b).

(b)(4) Minimization of Potentially Adverse Effects on Adjacent Properties

This site has been designed to minimize potentially adverse visual effects on adjacent properties.

- **Location**—The facility is located in a commercial area with commercial uses. The parent parcel is zoned B-1, as are surrounding properties to the north, south, and east. The parcel to the west is zoned O-2. All of these properties have uses commensurate with their zoning, and buffer the site from the residential uses beyond. The proposed facility is in keeping with the character of the surrounding uses, and is located well within this commercial area. It is also near to a publicly owned Park area which will help to separate the site from housing.

Sprint believes it has chosen the best possible location in the area for the site. With no existing structures available, the proposed location was chosen because it is relatively deep into this commercial area. While this is an appropriate development for this type of area, it is surrounded by residential uses, and available space is

scarce. Locating nearer to a major street, or in an open parking lot would be inappropriate. Locating in other areas would cause at least as significant an impact on residential areas. The attached aerial photograph helps to demonstrate the size of the commercial area, and the difficulties associated with locating in other areas.

- **Screening**—As per Section 27.68.110(a)(2), the compound will be enclosed by an opaque fence that matches the adjacent office so that ground equipment and the tower base will not be visible.
- **Buffering**—The compound will be surrounded by existing commercial buildings and parking areas, which will buffer it on all sides from residential uses. It is well inside a commercial area in which this type of development is appropriate. The site will also be buffered from residential areas by numerous mature trees, which will greatly diminish its view, and by a large park area.
- **Blending**—While there are no structures of comparable height nearby, this structure will blend in well with the numerous lights, electrical poles, billboards and signs found in this commercial area.
- **Height**—The 80 foot height is the lowest possible in order to effectively cover the area from a radio frequency standpoint. A “drive test” was performed by Sprint radio frequency engineers to confirm this. In this test, an antenna is hoisted by a crane to various heights and data is taken so as to determine the lowest possible height at which the site will be effective. The height is not out of scale with the surrounding commercial uses.
- **Lighting**—No artificial lighting will be necessary at this site, save for a flood light located above the equipment platform to be used during nighttime emergency maintenance.
- **Pole Finish**—The monopole will have a galvanized finish as required by Section 27.68.110(c).
- **Antenna Design**—The antenna array is a compact platform, or “hugging” array. This design is more slender than traditional monopole antenna arrays, and thus will mitigate visual impact to the area.
- **Parking**—The proposed facility will eliminate no more than 5 parking spaces from the existing parking lot. According to Chapter 27.67.040(d)(4) of the Lincoln Municipal Code, 1 space is required for every 225 sq. ft. of floor area. Here, the Dental Office building now has 17 spaces in its lot, and approximately 2200 sq. ft. or less of floor space. This means that 9 spaces are required. Despite removing 5 spaces, more than 9 spaces will remain.
- **Landscaping**—The proposed facility will not include landscaping. Given the Site’s location in a parking lot, landscaping would be inappropriate and out of character with the surrounding area. It would also be excessively difficult to plant and maintain. Thus, Sprint requests a variance from the City’s landscaping requirement.
- **Scale**—The proposed 20 foot by 40 foot compound, and 80 foot monopole are in scale to the commercial uses of the surrounding area.
- **Views**—The proposed facility will have no negative impact on views or vistas, including the view of the Capitol.
- **Landmark Structures**—The proposed facility will have no negative impact on landmark structures, historically or architecturally significant structures, or on any other views, vistas, or scenery.
- **Natural Resources**—The proposed facility will have no negative impact on natural resources, open spaces or recreational resources.
- **Co-location**—This facility will be constructed to meet the requirements of Section 27.68.110(d). As the site plans indicate, the monopole will be structurally capable of accommodating one future carrier, and there is sufficient room at the base of the tower for an additional equipment compound. The attached Co-location Statement,

indicates the land owner's willingness to reserve space and to consider the offers of other carriers.

- **Existing Structures**—As per Section 27.68.120(d), there are no existing structures within ½ mile suitable for antenna mounting.
- **Setbacks**—As per Section 27.68.110 (a)(6), all base equipment and structures meet the setbacks as stated by the Lincoln Zoning Ordinance for B-1 zoning. Distances from lot lines are indicated on the plot plans.
- **Fall Zone**—As per Section 27.68.110(g), Sprint requests a waiver of the requirement that towers shall be set back a distance no less than one half the height of the structure, as allowed by this section. Due to the location specifics of the site, it will be impossible to meet the fall zone requirement on the North and East sides. A reduction in the fall zone is proper because it will not adversely impact adjacent properties, or public health, safety and welfare, given the character of the surrounding properties. The tower will be built to collapse upon itself, and a fall onto the neighboring parcel in this direction would be onto a relatively untrafficked.
- **Antenna and Support Structure Safety**—As per Section 27.68.110(e)(1) the antenna and support structure will be designed to be safe, and the surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris. This is noted on the plot plans. Sprint will meet or exceed all EIA/TIA standards and requirements of the City of Lincoln, and will provide to the Planning and Building and Safety Departments design specifications for the specific tower to be used before a building permit is issued if necessary.
- **Wind Force**—As per Section 27.68.110(e)(9), the antennas and support structure will be designed to withstand a wind force of 100 miles per hour. This is noted on the plot plans. Sprint will meet or exceed all requirements of the City of Lincoln, and will provide to the Planning and Building and Safety Departments design specifications for the specific tower to be used before a building permit is issued if necessary.
- **Standards**—As per Section 27.68.120(a and b), the tower shall be constructed and maintained to meet or exceed EIA standards, and all applicable construction and building codes. This is indicated in the plot plans, and can be provided as a part of tower design specifications prior to the issuance of a building permit. Improvements or additions will also comply with these requirements.
- **Surety**—As per Section 27.68.120(e)(1), a surety in the amount of \$35,000 to guarantee the future removal of this facility is attached.
- **Indemnity**—As per Section 27.68.120(e)(2), Sprint will agree to the indemnification language in this provision by signing the letter of acceptance of the Special Permit.

(b)(5) Maintenance and Monitoring

A description of standard operating procedure for maintenance and monitoring is attached to this application with applicable portions highlighted.

(b)(6) Environmental Documents

Environmental documents required by federal agencies for this site are attached.